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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,433	07/31/2003	William Andrew Decanio	H102001USU1 (P01018USU1)	2856
7590 Jennifer H. Hammond The Eclipse Group 10453 Raintree Lane Northridge, CA 91326				
06/05/2008				
EXAMINER				
CHAN, KO HUNG				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
06/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/632,433

**Applicant(s)**

DECANIO ET AL.

**Examiner**

Korie H. Chan

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3.5-7.9-14, 17-19, 21-23, 25-34, 36-38 and 40-46 is/are pending in the application.  
4a) Of the above claim(s) 27-33 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 3.5-7.9-14, 17-19, 21-23, 25, 26, 34, 36-38 and 40-46 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

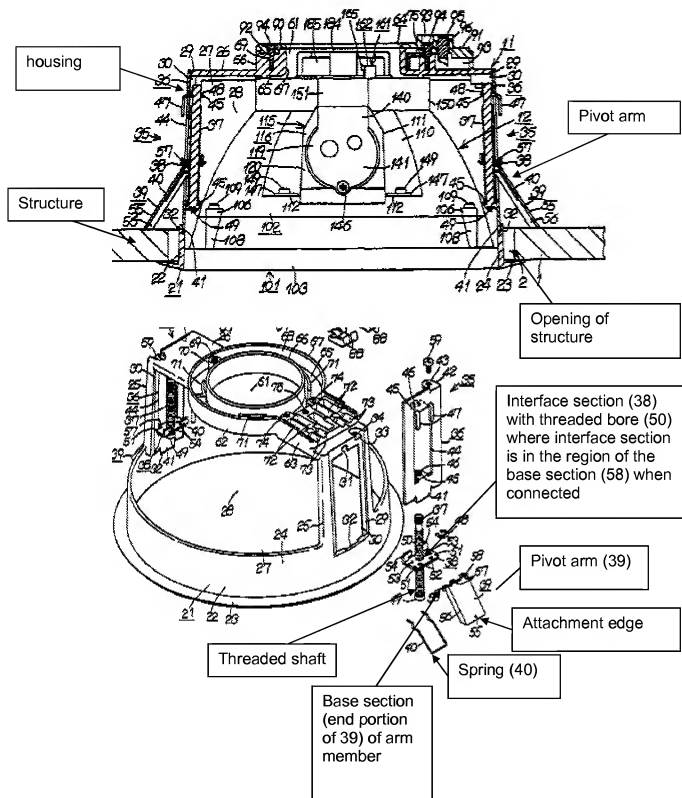
### ***Claim Objections***

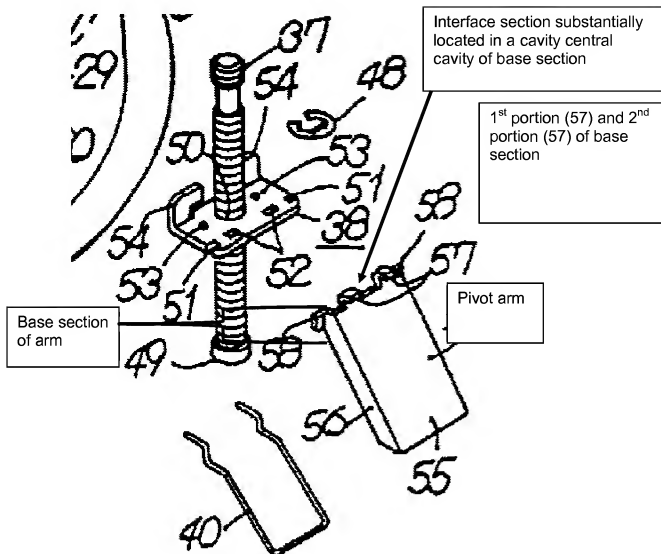
Claim 40 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 40 depends from cancelled claim 35.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 3,5-7,9-14,17-19,21-23,25, 26, 34, 36-38 and 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US patent no. 6,132,069) in view of Tchilinguirian (US patent no. 6,588,543). Sato discloses a mounting mechanism having all the claimed features of applicant's invention as illustrated below.





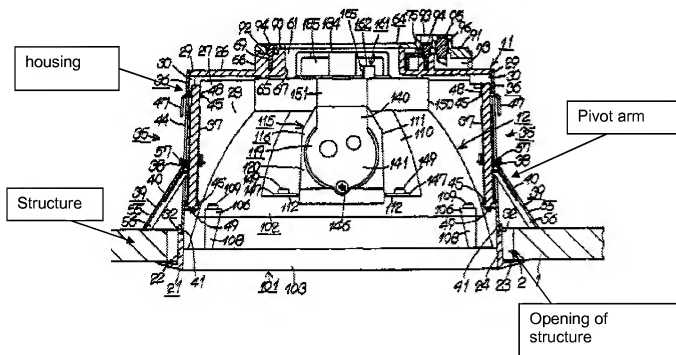
However, Sato does not disclosed the housing is part of a speaker to support a speaker system and wherein the arm as having an attachment edge with toothed attachment surface. Tchilinguirian teaches that mounting brackets for speakers, lights are well-known in the art and are in the same mounting environment. These prior art mounting brackets are sometimes custom fabricated to make them fit into ceilings and walls of a building structure into which the devices are to be installed (Col. 1, paragraph 2). Furthermore, Tchilinguirian teaches that the mount for speakers (12) can be

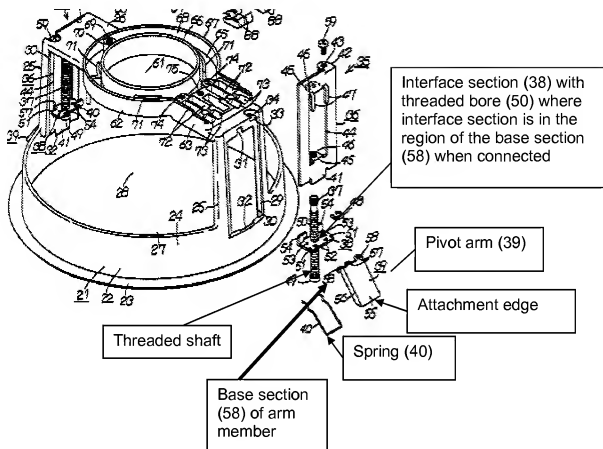
modified into different configurations for retaining and securing lights, alarms, sensors or other flush mounted equipment not shown (col. 4, lines 42-49). Tchilinguirian further discloses that mounting of a speaker system (that may be round, figure 9) where a speaker housing (48) having mounting structure with arm member (42) having toothed attachment surface (figure 4). It would have been obvious to one of ordinary skill in the art to have modify the system of Sato to mount a speaker system as mounting for speakers can be modified to mount lightings or vice versa as taught by Tchilinguirian. Further it would have been obvious to one of ordinary skill in the art to modify the attachment edge of Sato's arm such that it is toothed for the well-known advantage of digging into the structure for firm attachment as taught by Tchilinguirian .

Claims 3,5-7,9-14,17-19,21-23,25, 26, 34, 36-38 and 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tchilinguirian (US patent no. 6,588,543) in view of Sato et al (US patent no. 6,132,069). Tchilinguirian discloses a loudspeaker system (figures 8 and 9) comprising: a loudspeaker (not shown); a speaker housing (114, figure 9) adapted for insertion into an opening of a structure along a mounting direction; a mounting assembly (114) for mounting the loudspeaker housing in the opening; a mounting mechanism (36, figure 4) coupled to the housing and including an arm member (36, figure 3) pivotable between a first position and a second position, where at the first position (the not circled mechanism 30 is in premounting position, figure 2) the arm member enables insertion of the loudspeaker housing in the opening, and at the second position (the circled portion of 30, figure 2 and 3) the arm member (36) extends generally away from the loudspeaker housing into engagement with a

surface of the structure defining the opening; a spring mechanism (44) connected to the arm member for biasing the arm member toward the second position; and a shaft (60, figure 6) interconnecting the mounting mechanism and the housing, whereby the arm member (36) of the mounting mechanism is pivotal between the first position and the second position independent of any movement of the shaft; where the mounting mechanism (36) is movably coupled to the shaft (60) for adjusting position of the arm member relative to the speaker housing along the mounting direction.

However, Tchilinguirian does not disclose the ceiling mounting arrangements as claimed. Sato discloses a mounting arrangement having mounting mechanism with all the claimed features of applicant's invention as illustrated below and above.





It would have been obvious to one of ordinary skill in the art to have modify the ceiling mounting arrangement of Tchilinguirian with the ceiling mounting arrangement of Sato. Such modification would have involved a mere substitution of one well-known ceiling mounting arrangement for another which is well within the ambit of one of ordinary skill in the art.

### ***Response to Arguments***

Applicant's arguments filed 3/17/2008 have been fully considered but they are not persuasive. In response to applicant's argument '069 patent to Sato fail to disclose "arm member includes a base section" or "interface section is substantially located in



the region of the base section", examiner disagrees. As illustrated above, '069 patent to Sato does show the arm (39) as having an end portion which is in essence the "base section" and the interface section (38) is substantially located in the region of the end portion or base section of the arm (39). Further regarding 44-46, Sato discloses the first and second portion of base section as being engagement tip parts (37) where central cavity is formed in the base section (between 58) where the interface section is located therein.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/  
Primary Examiner  
Art Unit 3632

Khc  
June 3, 2008